

Remarks

Reconsideration of this application as amended is respectfully requested.

Claims 33-177 stand rejected under 35 U.S.C. §112, first paragraph.

Claims 33-177 stand rejected under 35 U.S.C. §102(e) as being unpatentable over U.S. Patent No. 6,219,708 B1 of *Martenson* ("*Martenson*").

Claims 33-177 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Martenson* and U.S. Patent No. 5,917,405 of *Joao* ("*Joao*").

The Examiner has stated that the title is not descriptive. In response, applicant has provided a replacement title that is indicative of the apparatus claimed in claims 33-177.

The Examiner has stated that all related applications must be mentioned after the Title and before the Background of the Invention. In response, applicant has amended the specification to refer to the related applications.

The Examiner has stated that hyperlinks must be removed from the specification. In response, applicant has amended the specification to remove hyperlinks.

The Examiner has stated that each of the claimed features must be shown in the figures and specifically referred to the fact that there is no "copier" in the figures. In response, applicant has amended claims 33, 50, 65, 77, 94, 106, 118, 130, 142, 154, and 166 to recite a device that is a copier, a printer, a fax machine, a video player, a television, a thermostat, a refrigerator, a washing machine, a disk drive, an oscilloscope, and a spectrum analyzer, respectively. Applicant submits that a device that is a copier, a printer, a fax machine, a video player, a television, a thermostat, a refrigerator, a washing machine, a disk drive, an oscilloscope, or a spectrum analyzer is shown in the figures as the device 10 as stated in the specification on pages 10-

12.

The Examiner has objected to the specification under 35 U.S.C. §112, first paragraph, as failing to provide an enabling disclosure and/or written description. The Examiner has rejected claims 33-177 under 35 U.S.C. §112, first paragraph, for the same reasons.

Although it is well settled that an analysis the adequacy of a written description calls for a comparison of the language of the claims to the specification, Wang Labs v. Toshiba Corp., 26 USPQ2d, 1767, 1774 (Fed. Cir. 1993), the Examiner has not cited any language in claims 33-177 other than "copier" and "video player" and "washing machine" and "refrigerator" in objecting to Applicant's specification and rejecting claims 33-177 under 35 U.S.C. §112, first paragraph. Instead, the Examiner has stated that

There is a lack of disclosure and/or written description allowing the devices to interface with the network so they can be monitored and controlled by a remote user via an [sic] network.

(Page 2, paragraph 8, Office Action, 6-3-04).

Applicant respectfully submits that claims 33-177 are not directed to allowing devices to interface with a network so they can be monitored and controlled via the network as implied by the Examiner. Instead, claims 33-177 are directed to an apparatus for providing a web page for a device. Applicant submits that the apparatus of claims 33-177 is described in numerous portions of the specification.

For example, the limitations in claims 33-177 of "a memory" and "a processor" that are configured to perform "web server functions" are shown in Figure 1b and described on page 11 of the specification. The limitation in claims 33-177 of "software or firmware executed by the processor" is described on page 11, lines 15-26 of the specification. The limitation in claims 33-177 of "input/output circuitry" is shown in Figures 1a-1b and described on pages 8-9, 11, and 13 of the specification.

The Examiner has stated that

The copier of page 10 (line 6) is not controlled in the same manner as is the video player of page 12 in that a copier does not have a "rewind" function nor does a video player have a "sort" setting.

(Page 2, paragraph 8, Office Action, 6-3-04) (emphasis original).

It is respectfully submitted that claims 33-177 do not recite controlling "rewind" and "sort" settings as implied by the Examiner. As shown above, claims 33-177 are directed to an apparatus for providing a web page for a device that includes limitations that are described in numerous portions of the specification. In regard to device-specific functions, e.g. functions for a copier, a video player, etc., Applicant respectfully directs the Examiner's attention to the monitor 16 shown in Figure 1a and the accompanying text on pages 8-9 of the specification as well as the device-specific hardware 300 shown in Figure 1b and the accompanying text on pages 11-12 of the specification.

The Examiner has posed the following question:

Where is the source code and hardware allowing one to control the video player and/or washing machine by a user on a Browser via the network?

(Page 2, paragraph 8, Office Action, 6-3-04). Applicant respectfully submits that claims 33-177 do not recite source code or hardware for allowing control of a device via a network. Instead, claims 33-177 recite an apparatus for providing a web page for a device including software or firmware to service the HTTP protocol as described on page 11, lines 15-26 of the specification. Applicant's specification sets forth alternative implementations of embedding a processor and a memory in a device to service the HTTP protocol as claimed in claims 33-177 including existing processor and memory resources (pages 11-13 of Applicant's specification) and single or multiple integrated circuit chips as well as state machines (page 13 of Applicant's specification).

The Examiner has stated that

The missing gap, or "black box", is a unit internal or

external to the specific device that interfaces the specific device to the network by way of hardware and software.

(Page 3, lines 1-4, Office Action, 6-3-04) (emphasis original). Applicant respectfully submits that claims 33-177 are not directed to a unit that interfaces a device to a network as implied by the Examiner. Instead, claims 33-177 recite an apparatus for providing a web page for a device. Moreover, applicant has cited above numerous portions of the specification that enable one of skill in the art to make and use the apparatus of claims 33-177.

It is therefore respectfully submitted that Applicant's specification provides a written description that enables a person skilled in the art (see 35 U.S.C. §112, first paragraph) to make and use an apparatus for providing a web page for a device as claimed in claims 33-177.

The Examiner has rejected claims 33-177 under the judicially created doctrine of obviousness-type double patenting in view of claims 1-26 of U.S. Patent No. 5,956,487 and claims 1-32 of U.S. Patent 6,170,007. In response, applicant submits herewith a terminal disclaimer for U.S. Patent Nos. 5,956,487 and 6,170,007.

The Examiner has provisionally rejected claims 33-177 under the judicially created doctrine of obviousness-type double patenting in view of the following co-pending Patent Applications: Ser. No. 09/721,409, Ser. No. 09/862,230, Ser. No. 09/862,622, Ser. No. 09/862,804, Ser. No. 09/863,368, Ser. No. 09/863,667, Ser. No. 09/863,300, Ser. No. 09/865,944, and Ser. No. 09/865,977. In response, applicant submits herewith a terminal disclaimer for Patent Applications: Ser. No. 09/721,409, Ser. No. 09/862,230, Ser. No. 09/862,622, Ser. No. 09/862,804, Ser. No. 09/863,368, Ser. No. 09/863,667, Ser. No. 09/863,300, Ser. No. 09/865,944, and Ser. No. 09/865,977.

The Examiner has rejected claims 33-177 under 35 U.S.C. §102(e) as being un-patentable over *Martenson*. Applicant respectfully submits that amended claim 33 is not anticipated

by *Martenson*. Amended claim 33 is an apparatus embedded in a device that generates a web page that enables device control functions.

*Martenson* does not disclose an apparatus embedded in a device that generates a web page that enables device control functions as claimed in amended claim 33. *Martenson* at col. 8, lines 25-40 shows a web page for initiating fault/status gathering functions in a network resource (*Martenson*, col. 8, lines 1-5) but does not teach that the web page shown at col. 8, lines 25-40 is generated by an apparatus embedded in the network resource as claimed in amended claim 33.

In contrast to generating a web page that enables control functions for a device as claimed in amended claim 33, *Martenson* discloses performing a management function call in a network resource in response to a URL entered in a web browser. (*Martenson*, col. 8, lines 43-48). For example, *Martenson* discloses a web server in a network resource that receives a hyperlink reference from a browser (*Martenson*, col. 8, line 46) and that parses the hyperlink reference into a management function call in the network resource (*Martenson*, col. 8, lines 47-48) using a table (*Martenson*, col. 8, lines 55-58).

Given that claims 34-49 depend from amended claim 33, it is submitted that claims 34-49 are not anticipated by *Martenson*.

It is also submitted that claims 50-177 are not anticipated by *Martenson*. Claims 50-177 include limitations similar to the limitations of amended claim 33 including an apparatus embedded in a device that generates a web page that enables device control functions. Therefore, the remarks stated above with respect to amended claim 33 also apply to claims 50-177.

The Examiner has rejected claims 33-177 under 35 U.S.C. §103(a) as being un-patentable over *Martenson* and *Joao*. Applicant submits that claims 33-177 are not obvious in view

of *Martenson* and *Joao* because *Martenson* and *Joao* do not disclose or suggest an apparatus embedded in a device that generates a web page that enables device control functions as claimed in claims 33-177. Applicant has shown above that *Martenson* does not disclose an apparatus as claimed in claims 33-177. *Joao* discloses a CPU that communicates with a variety of home based and vehicle mounted devices (*Joao*, col. 12, lines 5-65, col. 4, lines 12-62) rather than an apparatus embedded in a device that generates a web page that enables device control functions as claimed in claims 33-177.

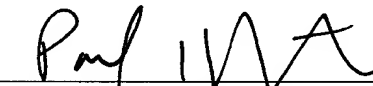
It is respectfully submitted that in view of the amendments and arguments set forth above, the applicable rejections have been overcome.

The Commissioner is authorized to charge any underpayment or credit any overpayment to Deposit Account No. 08-2025 for any matter in connection with this response, including any fee for extension of time, which may be required.

Respectfully submitted,

Date: 10-4-04

By: \_\_\_\_\_



Paul H. Horstmann

Reg. No.: 36,167